AMENDEMENTS TO THE IMMIGRATION LAW

Last Wednesday, Law No. 61/2025 of October 22 was published, amending the so-called Immigration Law. This publication follows the Constitutional Court's decision declaring several provisions of an earlier version of the law unconstitutional, as they violated constitutional principles such as the protection of family unity. As a result, the Government was required to revise the initial proposal.

Among the various amendments introduced, the changes regarding family reunification stand out. In this regard, the Government's intention was to restrict the right of immigrants to reunite in national territory with their closest relatives (minor children, spouse or equivalent, and ascendants). However, an exception was made for holders of residence permits for investment activity (Golden Visa), highly qualified workers, and holders of the EU Blue Card, who are not subject to the approved restrictions.

One of these measures introduces a two-year waiting period before exercising the right to family reunification, except in the case of minor or dependent adult children and spouses or equivalent partners, provided they are the parents of such children.

As for spouses or equivalent partners without minor or dependent children, the two-year period may be reduced to 15 months if the couple has lived together for at least 18 months prior to arriving in Portugal.

Additionally, the law now expressly requires proof of adequate accommodation for the number of family members to be reunited and specifies that proof of means of subsistence, to be presented at the time of the family reunification request, cannot rely on social assistance.

The law also provides that reunited family members must participate in integration measures, namely training in the Portuguese language and training on Portuguese constitutional principles and values.

Lastly, the deadline for AIMA to decide on family reunification applications has been extended from 90 working days to 9 months, with the possibility of further extension "in exceptional circumstances related to the complexity of the application."

In addition to these measures, the following amendments were also introduced:

- The job-seeking visa will now be aimed exclusively at performing a qualified professional activity in national territory. The criteria for determining the technical skills to be demonstrated will be defined by an ordinance to be issued by the Government, which is still awaited.
- The CPLP residence permit will now only be available to applicants who are nationals of a Community of Portuguese Language Countries (CPLP) member state and hold a valid residence visa.
- The entrepreneur residence permit will once again be available even if the applicant does not hold a residence visa. However, it remains unclear what mechanism will enable the submission of this application to AIMA. It should be noted that such an application was previously possible through the "expression of interest" process, which was abolished in June 2024.

As transitional provisions to these recent amendments to the Immigration Law, two deadlines have been established:

- Until December 31, 2025: all applications related to the "expression of interest" procedure must be submitted by this date, or they will expire.
- Within 180 days after the law enters into force: holders of the right to family reunification may apply for residence for their family members already present in Portugal, provided that those family members entered the country legally.

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